THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16904 OF 2006

ORAL ORDER:

Heard the learned counsel for the petitioner.

Despite service, respondents did not choose to appear.

The petitioner was issued a passport bearing No.F-7355455 dated 19.12.1995, which was valid up to 18.12.2005. Thereafter, she submitted an application for renewal of the passport, and the 2nd respondent renewed the passport, and issued passport No.F.7355455, which is valid up to 20.3.2016. It is stated that her date of birth in the said passport was recorded as 22.8.1977. It is claimed that as a matter of fact, her correct date of birth as per his Secondary School Certificate is 19.8.1977. Having noticed the mistake in the passport, she made an application to the 2nd respondent on 17.4.2006 for correction of date of birth in the passport. In response to the same, the respondent by letter dated 2.8.2006 directed the petitioner to obtain a declaratory order from the competent civil Court.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

> (a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
>
> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
>
> (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** [1] held that as per the circular dated 18.04.2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** [2].

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's case** (1 supra), the order of the 2nd respondent dated 2.8.2006 is set aside, and the writ petition is disposed of with a direction to the 2nd respondent to reconsider the request of the petitioner for change of date of birth on the basis of the Secondary School Certificate produced by her along with her application and to pass appropriate orders in terms of circular dated 18.04.2001 within a period of four weeks from the date of receipt of a copy of this order. No costs.

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(G. ROHINI, J.)

28th August, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16904 OF 2006

28th August, 2006

Between:

Ms. N. Uma Rani. .. Petitioner.

And

Union of India, represented by its
Secretary, Ministry of External Affairs,
New Delhi and another. .. Respondents.

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[1] 2003(3) ALD 625;

[2] 2004(6) ALD 360.